UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK	DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 2/3/1/
: Plaintiff,	09 Civ. 6905 (WHP) (JCF)
: -against-	ORDER
: COMMISSIONER MICHAEL J. ASTRUE,	
:	
Defendant. :	
X	•

## WILLIAM H. PAULEY III, District Judge:

The plaintiff, Randy J. Fessler, brings this action pursuant to section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), seeking review of a determination of the Commissioner of the Social Security Administration ("Commissioner"). That determination affirmed a decision by an Administrative Law Judge, which denied Fessler's application for Disability Insurance Benefits on the ground that he was not disabled. On January 10, 2011, Magistrate Judge Francis issued a report and recommendation ("Report") recommending that plaintiff's motion for judgment on the pleadings be denied and defendant's motion be granted.

This Court has reviewed Magistrate Judge Francis's thorough and well-reasoned Report and finds that it is not facially erroneous. Moreover, Plaintiff had fourteen (14) days from the date of the Report to lodge any objections but did not do so. See 28 U.S.C. § 636(b)(1). Accordingly, this Court adopts the Report in its entirety, denies Fessler's motion for judgment on the pleadings, grants the Commissioner's motion and dismisses the complaint.

The Clerk of the Court is directed to mark this case as closed.

Dated: February 3, 2011 New York, New York

SO ORDERED:

WÎLLIAM H. PAULEY III 🐧

U.S.D.J.

## Counsel of Record:

Irwin M. Portnoy, Esq. Irwin M. Portnoy and Associates, P.C. 542 Union Avenue New Windsor, NY 12553 Counsel for Plaintiff

John E. Gura, Jr., Esq. United States Attorney's Office Southern District of New York 86 Chambers Street New York, NY 10007 Counsel for Defendant

Magistrate Judge James C. Francis IV